

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Shi'a Association of the Bay Area, et al.,

NO. C 07-03328 JW

Plaintiffs,

v.

Michael Chertoff, et al.,

Defendants.

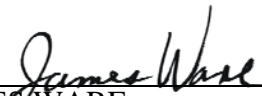
**ORDER DENYING PLAINTIFFS' EX
PARTE MOTION FOR A TEMPORARY
RESTRAINING ORDER; SETTING
HEARING FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

This is an action for a Declaratory, Injunctive, and Mandatory Relief under the Immigration and Administrative Procedure Act. (See Docket Item No. 1.) Before the Court is Plaintiffs' Ex Parte Application for a Temporary Retraining Order and Order to Show Cause Re: Preliminary Injunction. (See Docket No. 2.) The Individual Plaintiffs contend that on July 30, 2007, they will accrue 180 days of "unlawful presence," which will bar them from adjustment of status or re-entry into the United States for a period of 3 to 10 year. (Certification by Attorney Re: Service of TRO to Defendants.)

Having considered the papers submitted, the Court finds that the harm Plaintiffs allege they will suffer before a formal hearing is not irreparable. There is sufficient time for a hearing on an Order to Show Cause Re: Preliminary Injunction before Plaintiffs are at imminent risk of accruing over 180 days of "unlawful presence" in the United States. Accordingly, the Court DENIES Plaintiffs' motion for a temporary injunction.

1 The Court GRANTS Plaintiffs' motion for a hearing on an Order to Show Cause Re:
2 Preliminary Injunction. Plaintiffs shall serve Defendants a copy of the Complaint, Supporting
3 Declarations and Memorandum, and a copy of this Order by **July 9, 2007**. Defendants are ordered
4 to appear on **July 23, 2007 at 9 AM** and to show cause, if any, why a Preliminary Injunction should
5 not be entered retraining Defendants from accruing against the Individual Plaintiffs days of
6 "unlawful presence" in the United States during the pendency of this action.

7
8 Dated: June 26, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jill Stanton
3 Attorney at Law
4 400 Montgomery St , Suite810
5 San Francisco, CA 94104

6 **Dated: June 26, 2007**

Richard W. Wieking, Clerk

7
8 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy

United States District Court

For the Northern District of California

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28